

DETAILED ACTION

1. This Office Action is response to Applicant's AMENDMENT filed on 10/23/2009.
2. Claims 34-35 have been added.
3. Claims 18, 26 and 31 were cancelled.
4. Claims 1-17, 19-25, 27-30 and 32-35 are pending in this application.

DUPLICATE CLAIMS, OBJECTION

Applicant is advised that should claim 14 be found allowable, claim 27 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Response to Arguments

5. Applicant's arguments filed on 10/23/2009 considered but they are not persuasive. Because ALVAREZ teaches retrieving or accessing file or data stored on the archive storage via a program code or software routines stored on a storage medium such as memory with two different software algorithms or routine for compressing and decompressing file or data and receiving request to access the data or file and determining the type of access such as compressing or decompressing data or file (retrieving data stored on the archive storage: page 2, 0023, lines 10-15; page 26,

0375, lines 1-10; 0380, lines 1-5 and page 27, 0386, lines 1-3; system memory storing two software modules, routines, or algorithms with program codes or instructions: compressed format and non-compressed or decompressed format; the software program stored on the memory having two program codes or modules or routine to process the archived file or data stored on the archive storage such as tape: page 1, paragraph 0010, lines 13-19; page 2, 0015, lines 4-10; page 20, 0288, lines 1-6 and page 30, 0422, lines 16-20; also, page 38, paragraphs 0538-0539; the requesting unit receiving the requests for accessing the data or files stored on the archive storage: page 3, 0026, lines 1-14, 0029, lines 1-10 and 0031, lines 3-12; compressing or decompressing data: figs. 6-7; page 12, 0187, lines 1-30 and 0188, lines 1-25; and compressed and non-compressed format first and second algorithm or routine: fig. 2A, para 0027, 0136, 0146 and 0154). While JOHNSON teaches searching in response to queries or requests for information, data formats and file directory or file structure of files stored in the system (col. 7, lines 6-67, col. 8, lines 1-35; col. 11, lines 22-24 and col. 14, lines 71-15); volumes (col. 15, lines 30-35 and col. 16, lines 16-22); image copy of data and requesting type to the system (col. 18, lines 53-62 and col. 20, lines 36-45 and col. 28, lines 5-20); and the specific functions of the filter depend, at least in part, on the format of the particular information being handled. Thus, in the case of formatted electronic information, the filtering process will further determine whether the record is in a recognizable format that may be opened, read and closed by applications requiring access to the record, and whether the information is complete (e.g. has an appropriate end-of-file marker or valid close parameter). The filter also will determine whether

acknowledgment of receipt, including electronic signature validation, is required by the sending entity (and ensure that appropriate acknowledgment is sent), and whether the destination of the record is clear and in accordance with organizational parameters (e.g., whether the record must be processed further before storage): col. 10, lines 50-67). And SATHYANARAYAN teaches file directories (abstract, page 2, 0018, lines 1-11, 0024, lines 1-10 and 0025, lines 1-9; also, see page 3, 0030, page 4, 0049).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15, 22, 25, 30 and 32-33 rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No.: US 20010054131 A1 to Alvarez, II et al. (hereinafter ALVAREZ).

With respect to claim 15, ALVAREZ teaches an article of manufacture comprising a computer usable medium having data stored thereon and having computer readable program code stored thereon, the computer readable program code including a first routine for accessing the data in response to a request for access to the data in an

archival format and a second routine for accessing the data in response to a request for access to the data in a non-archival format (system memory storing two software modules, routines, or algorithms with program codes or instructions: compressed format and non-compressed or decompressed format; a memory storing two software module or routine for accessing data such as compressed and decompressed software algorithms or program codes for archive files or data stored on archive storage such as tapes: page 1, paragraph 0010, lines 13-19; page 2, 0015, lines 4-10; page 20, 0288, lines 1-6 and page 30, 0422, lines 16-20 and also see page 38, paragraphs 0538-0538) and wherein the requested data is presented by the second routine in the archival format, and the requested data is presented by the first routine in a file system format (compressed and non-compressed format first and second algorithm or routine: fig. 2A, para 0027, 0136, 0146 and 0154).

With respect to claim 22, ALVAREZ teaches an article of manufacture comprising a computer usable medium having data stored thereon and having computer readable program code stored thereon, the computer readable program code including a first routine for accessing the data in response to a request from a first target system type and a second routine for accessing the data in response to a request from a second target system type (System memory storing two software modules, routines, or algorithms with program codes or instructions: compressed format and non-compressed or decompressed format; the first type of data is compressed data and the second type of data is decompressed data; the software algorithms or program codes stored on the memory in order to do these two kinds of accessing archived files or data stored on the

archived storage such as tapes: page 1, paragraph 0010, lines 13-19; page 2, 0015, lines 4-10; page 20, 0288, lines 1-6 and page 30, 0422, lines 16-20; also, page 38, paragraphs 0538-0539) and wherein the requested data is presented by the second routine in the archival format, and the requested data is presented by the first routine in a file system format (compressed and non-compressed format first and second algorithm or routine: fig. 2A, para 0027, 0136, 0146 and 0154).

With respect to claim 25, ALVAREZ teaches an article of manufacture comprising a computer usable data storage medium having data stored thereon and having computer readable program code stored on secondary storage associated with the data storage medium, the computer readable program code including a first routine for accessing the data in response to a request of a first request type and a second routine for accessing the data in response to a second request type, wherein the secondary storage is built into a cartridge for the data storage medium (System memory storing two software modules, routines, or algorithms with program codes or instructions: compressed format and non-compressed or decompressed format; a memory storing two software module or routine for accessing data such as compressed and decompressed software algorithms or program codes and accessing files or data stored on the archive storage: page 1, paragraph 0010, lines 13-19; page 2, 0015, lines 4-10; page 20, 0288, lines 1-6 and page 30, 0422, lines 16-20 and tape devices for read/write data: page 38, paragraphs 0536-0539) and wherein the requested data is presented by the second routine in the archival format, and the requested data is presented by the

first routine in a file system format (compressed and non-compressed format first and second algorithm or routine: fig. 2A, para 0027, 0136, 0146 and 0154).

With respect to claim 30, ALVAREZ teaches wherein data storage medium is removable (data files and software programs are stored on the storage medium such as removable DVD, CD and floppy disk (para 0006, 0023, 0053, 0154, and 0525).

With respect to claim 32, ALVAREZ teaches wherein data storage medium is removable (data files and software programs are stored on the storage medium such as removable DVD, CD and floppy disk (para 0006, 0023, 0053, 0154, and 0525).

With respect to claim 33, ALVAREZ teaches wherein data storage medium is removable (data files and software programs are stored on the storage medium such as removable DVD, CD and floppy disk (para 0006, 0023, 0053, 0154, and 0525).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 6-12, 16-21, 23, 28 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2001/0054131 A1 to Alvarez, II et al. (hereinafter ALVAREZ) in view of US Patent No.: 5,813,009 issued to Johnson et al. (hereinafter JOHNSON).

With respect to claim 1, ALVAREZ teaches a method of retrieving data from a data storage medium (retrieving data stored on the archive storage: page 2, 0023, lines 10-15; page 26, 0375, lines 1-10; 0380, lines 1-5 and page 27, 0386, lines 1-3), comprising:

loading a program from the data storage medium into a computer system, the program including at least a first routine for responding to a first request type for access to data stored on the data storage medium and a second routine for responding to a second request type for access to the same data stored on the data storage medium, the data being stored in accordance with an archival format (system memory storing two software modules, routines, or algorithms with program codes or instructions: compressed format and non-compressed or decompressed format; the software program stored on the memory having two program codes or modules or routine to process the archived file or data stored on the archive storage such as tape: page 1, paragraph 0010, lines 13-19; page 2, 0015, lines 4-10; page 20, 0288, lines 1-6 and page 30, 0422, lines 16-20; also, page 38, paragraphs 0538-0539);

receiving a request for access to data stored on the data storage medium (the requesting unit receiving the requests for accessing the data or files stored on the archive storage: page 3, 0026, lines 1-14, 0029, lines 1-10 and 0031, lines 3-12);

determining whether the request is of the first type or the second type (compressing or decompressing data: figs. 6-7; page 12, 0187, lines 1-30 and 0188, lines 1-25); and

presenting the requested data, wherein the requested data is presented by the second routine in the archival format, and the requested data is presented by the first routine in a file system format (compressed and non-compressed format first and second algorithm or routine: fig. 2A, para 0027, 0136, 0146 and 0154).

ALVAREZ teaches retrieving or accessing file or data stored on the archive storage via a program code or software routines stored on a storage medium such as memory with two different software algorithms or routine for compressing and decompressing file or data and receiving request to access the data or file and determining the type of access such as compressing or decompressing data or file. ALVAREZ does not explicitly teach calling the first routine for accessing the data when the request is of the first type and calling the second routine for accessing the data when the request is of the second type; and presenting the requested data as claimed.

However, JOHNSON teaches calling the utility to access the data and displaying the data (col. 20, lines 1-10 and col. 28, lines 31-40; col. 19, lines 50-67). Also, JOHNSON teaches searching in response to queries or requests for information, data formats and file directory or file structure of files stored in the system (col. 7, lines 6-67, col. 8, lines 1-35; col. 11, lines 22-24 and col. 14, lines 71-15); volumes (col. 15, lines 30-35 and col. 16, lines 16-22); image copy of data and requesting type to the system (col. 18, lines 53-62 and col. 20, lines 36-45 and col. 28, lines 5-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ with the teachings of JOHNSON. One having ordinary skill in the art would have found it

motivated to utilize the use of calling the utility to access the data and presenting the result of the data as disclosed (JOHNSON's col. 20, lines 1-10 and col. 1, lines 50-67), into the system of ALVAREZ for the purpose of retrieving of data of the archival of documents and outputting the data by presenting to the user (JOHNSON's col. 1, lines 5-10, and 50-55).

With respect to claims 6, 8-11 and 34, ALVAREZ teaches a method of retrieving data from a data storage medium as disclosed in claim 1.

ALVAREZ teaches retrieving or accessing file or data stored on the archive storage via a program code or software routines stored on a storage medium such as memory with two different software algorithms or routine for compressing and decompressing file or data and receiving request to access the data or file and determining the type of access such as compressing or decompressing data or file. ALVAREZ does not explicitly teach wherein the first request type includes a request for one or more files from a file system; wherein the second request type includes a request for one or more logical volumes; wherein the second request type includes a request for an image copy of the data; wherein the first request type is by a first target system type and the second request type is by a second target system type; and wherein said presenting the requested data includes formatting the data in accordance with the target system type and further comprising the first routine reformatting the requested data from the archival format to the file system format as claimed.

However, JOHNSON teaches searching in response to queries or requests for information, data formats and file directory or file structure of files stored in the system (col. 7, lines 6-67, col. 8, lines 1-35; col. 11, lines 22-24 and col. 14, lines 71-15); volumes (col. 15, lines 30-35 and col. 16, lines 16-22); image copy of data and requesting type to the system (col. 18, lines 53-62 and col. 20, lines 36-45 and col. 28, lines 5-20); and the specific functions of the filter depend, at least in part, on the format of the particular information being handled. Thus, in the case of formatted electronic information, the filtering process will further determine whether the record is in a recognizable format that may be opened, read and closed by applications requiring access to the record, and whether the information is complete (e.g. has an appropriate end-of-file marker or valid close parameter). The filter also will determine whether acknowledgment of receipt, including electronic signature validation, is required by the sending entity (and ensure that appropriate acknowledgment is sent), and whether the destination of the record is clear and in accordance with organizational parameters (e.g., whether the record must be processed further before storage): col. 10, lines 50-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ with the teachings of JOHNSON. One having ordinary skill in the art would have found it motivated to utilize the use of calling the utility to access the data and presenting the result of the data as disclosed (JOHNSON's col. 20, lines 1-10 and col. 1, lines 50-67), into the system of ALVAREZ for the purpose of retrieving of data of the archival of

documents and outputting the data by presenting to the user (JOHNSON's col. 1, lines 5-10, and 50-55).

With respect to claim 7, ALVAREZ teaches wherein said presenting includes reformatting all of the data as a file structure (page 2, 0023, lines 1-15; page 3, 0026-0027; page 10, 0154, lines 1-30 and 0155).

With respect to claim 12, ALVAREZ teaches wherein the program includes information about the data (page 8, 0136, lines 1-10; 0137, lines 1-8 and page 10, 0154m4, lines 1-18).

With respect to claims 16-17, 19 and 21, ALVAREZ teaches an article of manufacture as disclosed in claim 15.

ALVAREZ teaches retrieving or accessing file or data stored on the archive storage via a program code or software routines stored on a storage medium such as memory with two different software algorithms or routine for compressing and decompressing file or data and receiving request to access the data or file and determining the type of access such as compressing or decompressing data or file. ALVAREZ does not explicitly teach wherein said second routine supports accessing the data as a logical volume; wherein said first routine supports accessing the data as an image copy; wherein the second routine supports accessing all of the data as a file structure; wherein the second routine supports accessing the data as at least one specified file; and wherein the information about the data includes a file system directory as claimed.

However, JOHNSON teaches file directory or file structure of files stored in the system (col. 11, lines 22-24 and col. 14, lines 71-15); volumes (col. 15, lines 30-35 and col. 16, lines 16-22); image copy of data and requesting type to the system (col. 18, lines 53-62 and col. 20, lines 36-45 and col. 28, lines 5-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ with the teachings of JOHNSON. One having ordinary skill in the art would have found it motivated to utilize the use of calling the utility to access the data and presenting the result of the data as disclosed (JOHNSON's col. 20, lines 1-10 and col. 1, lines 50-67), into the system of ALVAREZ for the purpose of retrieving of data of the archival of documents and outputting the data by presenting to the user (JOHNSON's col. 1, lines 5-10, and 50-55).

With respect to claim 20, ALVAREZ teaches wherein the program code includes information about the data (page 8, 0136, lines 1-10; 0137, lines 1-8 and page 10, 0154m4, lines 1-18).

With respect to claims 23 and 35, ALVAREZ teaches an article of manufacture as disclosed in claim 22.

ALVAREZ teaches retrieving or accessing file or data stored on the archive storage via a program code or software routines stored on a storage medium such as memory with two different software algorithms or routine for compressing and decompressing file or data and receiving request to access the data or file and determining the type of access such as compressing or decompressing data or file.

ALVAREZ does not explicitly teach wherein said program presents the requested data formatted in accordance with the target system type and further comprising the first routine reformatting the requested data from the archival format to the file system format as claimed.

However, JOHNSON teaches file directory or file structure of files stored in the system and image copy of data and requesting type to the system (col. 11, lines 22-24 and col. 14, lines 71-15; col. 18, lines 53-62 and col. 20, lines 36-45 and col. 28, lines 5-20); and the specific functions of the filter depend, at least in part, on the format of the particular information being handled. Thus, in the case of formatted electronic information, the filtering process will further determine whether the record is in a recognizable format that may be opened, read and closed by applications requiring access to the record, and whether the information is complete (e.g. has an appropriate end-of-file marker or valid close parameter). The filter also will determine whether acknowledgment of receipt, including electronic signature validation, is required by the sending entity (and ensure that appropriate acknowledgment is sent), and whether the destination of the record is clear and in accordance with organizational parameters (e.g., whether the record must be processed further before storage): col. 10, lines 50-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ with the teachings of JOHNSON. One having ordinary skill in the art would have found it motivated to utilize the use of calling the utility to access the data and presenting the

result of the data as disclosed (JOHNSON's col. 20, lines 1-10 and col. 1, lines 50-67), into the system of ALVAREZ for the purpose of retrieving of data of the archival of documents and outputting the data by presenting to the user (JOHNSON's col. 1, lines 5-10, and 50-55).

With respect to claim 28, ALVAREZ teaches wherein data storage medium is removable (data files and software programs are stored on the storage medium such as removable DVD, CD and floppy disk (para 0006, 0023, 0053, 0154, and 0525).

10. Claims 2-5, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2001/0054131 A1 to Alvarez, II et al. (hereinafter ALVAREZ) in view of US Patent No.: 5,813,009 issued to Johnson et al. (hereinafter JOHNSON) and further in view of Pub. No.: US 2002/0152194 A1 to SATHYANARAYAN.

With respect to claims 2-5, ALVAREZ in view of JOHNSON discloses a method of retrieving data from a data storage medium as discussed in claim 1.

ALVAREZ and JOHNSON disclose substantially the invention as claimed.

ALVAREZ and JOHNSON do not explicitly teach wherein the first routine implements a first set of operations and the second routine implements a second set of operations; wherein the first set of operations includes file system operations; wherein the second set of operations includes standardized archival operations; and wherein the second set of operations includes operations selected from CPIO and TAR as claimed.

However, SATHYANARAYAN teaches file system operations such as creation or generation, copying, retrieving or extracting of file directories and archival utility and CPIO and TAR operations (para 0001, 0009, 0018, 0024-0025; 0030 and 0032-0038); file directories (abstract, para 0018, 0024, 0025, also, see para 0030 and 0049) and archival format (para 0005 and 0007).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ in view of JOHNSON with the teachings of SATHYANARAYAN by incorporating the use of file system operations such as retrieving, extracting or copying and archiving operations such as CPIO and TAR operations as disclosed (SATHYANARAYAN's paragraphs 0009, 0018, 0032-0034), into the system of ALVAREZ for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (SATHYANARAYAN's page 1, paragraphs 0003-0007).

With respect to claim 13, ALVAREZ in view of JOHNSON discloses a method of retrieving data from a data storage medium as discussed in claim 1.

ALVAREZ and JOHNSON disclose substantially the invention as claimed.

ALVAREZ and JOHNSON do not explicitly teach wherein the information about the data includes a file system directory as claimed.

However, SATHYANARAYAN teaches file directories (abstract, page 2, 0018, lines 1-11, 0024, lines 1-10 and 0025, lines 1-9; also, see page 3, 0030, page 4, 0049).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ in view of JOHNSON with the teachings of SATHYANARAYAN by incorporating the use of file system operations such as retrieving, extracting or copying and archiving operations such as CPIO and TAR operations as disclosed (SATHYANARAYAN's paragraphs 0009, 0018, 0032-0034), into the system of ALVAREZ for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (SATHYANARAYAN's page 1, paragraphs 0003-0007).

With respect to claim 24, ALVAREZ in view of JOHNSON discloses an article of manufacture as discussed in claim 22.

ALVAREZ and JOHNSON disclose substantially the invention as claimed.

ALVAREZ and JOHNSON do not explicitly teach wherein the data is stored on the data storage medium as raw data blocks as claimed.

However, SATHYANARAYAN teaches file directories (abstract, page 2, 0018, lines 1-11, 0024, lines 1-10 and 0025, lines 1-9; also, see page 3, 0030, page 4, 0049).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of ALVAREZ in view of JOHNSON with the teachings of SATHYANARAYAN by incorporating the use of file system operations such as retrieving, extracting or copying and archiving operations such as CPIO and TAR operations as disclosed (SATHYANARAYAN's paragraphs 0009, 0018, 0032-0034), into the system of ALVAREZ for the purpose of having archiving utilities for the Unix operating system such as CPIO and TAR and file system operations such as reading, writing and restoring operations, thereby, speeding up archival operations and a copy process is also speeded up by transferring data from /to data storage media and to minimize problems caused by the different types of storage devices having different data storage formats (SATHYANARAYAN's page 1, paragraphs 0003-0007).

Allowable Subject Matter

11. Claims 14, 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (14 or 27 and 29): that is, the limitation of claim 14 or 27 is incorporated into independent claim 1; and limitation of claim 29 is incorporated into independent claims 15, 22 and 25 respectively.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH LY whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV (Written Authorization being given by Applicant (MPEP 502.03 [R-2])) or fax to **(571) 273-4039** (unofficial fax number directly to examiner's office). The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Breene**, can be reached on **(571) 272-4107** or Primary Examiner, **Jean Fleurantin**, can be reached on **(571) 272-4035**.

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Central Fax Center: (571) 273-8300.

Anh Ly /AL/
Examiner GAU: 2162
NOV. 25, 2009

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